

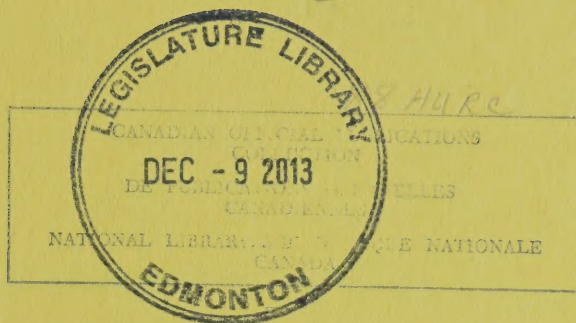
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ANNUAL REPORT



OF

THE ALBERTA HUMAN RIGHTS COMMISSION

FOR THE PERIOD OF
APRIL 1, 1975 TO MARCH 31, 1976

Alberta

HUMAN RIGHTS COMMISSION

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THE ALBERTA HUMAN RIGHTS COMMISSION

Max Gysan (Edmonton) Chairman

Margaret A. Gurney (Calgary) Commissioner

Marjorie E. Young (Edmonton) Commissioner

Joan E. Forrest (Edmonton) Commissioner

THE ALBERTA HUMAN RIGHTS COMMISSION

Charles G. Gurney (Calgary) Commissioner

Walter E. Madson (Calgary) Commissioner

ANNUAL REPORT

FOR THE PERIOD

APRIL 1, 1975 TO MARCH 31, 1976

... it is recognized in Alberta as a fundamental principle, and as a matter of public policy, that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, age, ancestry or place of origin.

... the provisions of
The Individual's Rights
Protection Act.



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THE ALBERTA HUMAN RIGHTS COMMISSION

Max Wyman (Edmonton)	Chairman
Vincent A. Cooney (Calgary)	Commissioner
Muriel E. Venne (Edmonton)	Commissioner
Jean B. Forest (Edmonton)	Commissioner
Marvin Fox (Standoff)	Commissioner
Connie Osterman (Carstairs)	Commissioner
Nomi S. Whalen (Calgary)	Commissioner

... it is recognized in Alberta as a fundamental principle, and as a matter of public policy, that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, sex, age, ancestry or place of origin

- from the preamble to
The Individual's Rights
Protection Act.

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INDEX

	<u>Page</u>
Introduction	1
Statistical and Complaint Data	4
Education Function of the Commission	7
Other Activities	11
Conclusion	14
Table I	16

THE ALBERTA HUMAN RIGHTS COMMISSION

ANNUAL REPORT 1975-76

INTRODUCTION

It is now ten years since the Government of that day passed the Human Rights Act, an Act that attempted to control various forms of discriminatory practices by means of one piece of legislation. As important as the passage of the Human Rights Act should be deemed to be, it soon became clear that Government legislation could, and indeed did, discriminate on grounds which offended the Human Rights Act. That Act was only one of hundreds of pieces of legislation passed by the Government. Its status was the same as, but certainly not different from, any other piece of Government legislation.

About four years ago, the present Government repealed the Human Rights Act, and replaced it with the Alberta Bill of Rights and the Individual's Rights Protection Act. Although a cursory reading of the Acts involved might lead to the conclusion that nothing of significance had been changed, such a conclusion would be false. For the first time in the history of human rights legislation in Canada, such legislation was given a status which is above

and beyond every other act of the Legislature. Although the powers of the Legislature must always remain supreme, it is clear that it was the intent of the Government to bind itself to obey the provisions of the Alberta Bill of Rights and the Individual's Rights Protection Act.

For the first time in Alberta, certain provisions of the School Act were challenged successfully in a court of law, even though the final decision of the Supreme Court of Alberta on this challenge has yet to be received. For the first time in Alberta a major challenge, involving millions of dollars, claiming discrimination in pay based on sex, was upheld in a court of law. With the Government supplying over four million dollars, this particular complaint has now been settled. The Individual's Rights Protection Act has given the people of Alberta a powerful legislative tool by means of which certain forms of discrimination can be reduced in this Province.

It would, of course, be a miracle if ten years of experience did not reveal the weaknesses as well as strengths of past and present legislation. For the past year, members of the Commission and its staff have studied that experience with the hope of finding clues that would reveal how a good piece of legislation could be made better. After this study,

the Commission reached several major conclusions, conclusions which will be given to the Government for consideration sometime before the end of 1976.

Some groups have asked that they be given the protection of the Individual's Rights Protection Act without realizing their primary need is for special or positive forms of discriminatory policies. If their requests were granted, such policies might become illegal by that Act. People who believe in a completely egalitarian society sometimes go so far as to say that all discrimination is evil, and all discrimination should be forbidden by law. Such a philosophy fails to recognize that the needs of people differ at different times of their lives, and that a humane society will attempt to meet those differing needs as people proceed from the cradle to the grave. Surely most people would support the policy of a government which provides adequate housing and medical care for people over the age of 65, even though discrimination based on age is involved.

The fundamental philosophy of the Individual's Rights Protection Act is sound. It is a philosophy that says that complaints based on discriminatory practices are best settled by conciliation and education. Although the law must be available to provide remedies for justified complaints, the courts should only be used as a last resort. This

philosophy has worked well, and it should be retained.

We do not live in an egalitarian society. Some people still desperately need help, and that help should be willingly given, even though positive discrimination might be required. The Commission believes that the time has come when a rightful place should be provided for affirmative action programs in human rights legislation.

STATISTICAL AND COMPLAINT DATA

The Alberta Human Rights Commission is now recognized as one of the service agencies of the Government. During 1975-76, the Commission received 3,600 inquiries of various kinds. In 2,200 instances, members of the staff were able to provide the necessary information, and in the remaining 1,400 they were able to refer the people involved to an appropriate agency.

The Commission continues to divide its case load into classifications: informal and formal. This case load is additional to the inquiries mentioned above. An informal case involves a human rights principle over which the Commission has no legal jurisdiction. Many of our informal cases are concerned with business practices which treat

women differently from men. Although some of these practices are legal, they still denigrate the role women should have in our society. Some banks and some trust companies will not make a loan directly to a married woman. Some insurance companies still charge a married woman a rate that is different from the corresponding rate paid by a woman who is divorced. During 1975-76, the Commission dealt with 310 informal complaints. Of these, the staff were able to bring to a successful conclusion all but 26. Informal cases bring with them an experience in human values that is educative for all parties involved. These cases are worth the time and effort our staff has spent in an effort to reduce unjustified, but legal, practices.

Formal cases involve complaints alleging discriminatory practices which offend the Individual's Rights Protection Act. Since illegal behavior is being claimed, respondents sometimes become wary, and occasionally open hostility is shown to members of our investigative staff. Since the Commission and its staff have a remarkable record in the conciliation and settlement of formal cases, few cases require the full adjudicative powers of the Act in order to bring those cases to a decision.

In 1975-76, the Commission and its staff were involved in 520 formal cases, 311 of which were brought to

the attention of the Commission for the first time. During that time, 332 of these cases were brought to a conclusion, and 188 of them are still under investigation. During 1975-76, large numbers of cases involving serious affronts to human dignity were brought to our attention. For example, black people are still being refused service in some restaurants; native people have been refused the use of wash-room facilities provided by service stations and some business firms still refuse to treat women as responsible adults. Such affronts to human dignity should not take place in our society. Fortunately, the work of the Commission seems to be successful in achieving an understanding in incidents of this kind.

Table I shows the nature of the new complaints received during 1976. Complaints involving discriminatory practices based on sex still form half of our case load. Racially oriented complaints form the major part of the remaining cases.

Members of our staff prepare a summary of each individual complaint that is brought to the attention of the Commission. Anyone interested in obtaining a copy of this material may do so by contacting the Commission office.

EDUCATION FUNCTION OF THE COMMISSION

Section 14(1) of the Individual's Rights Protection Act states:

"It is the function of the Commission

- (a) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, sex, age, ancestry or place of origin,
- (b) to promote an understanding of, acceptance of and compliance with this Act,
- (c) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, sex, age, ancestry or place of origin, and
- (d) to encourage and co-ordinate both public and private human rights programs and activities."

The Government obviously intended the education function of the Commission to play an important role in the activities of the Commission, a role that the staff and members of the Commission are now able to fulfil in a variety of ways.

During 1975-76, the Commission appointed an Assistant Director to administer the research and educational activities of the Commission. During the same year, three Education Officers were appointed, and these four people, with their support personnel, staff the Education Wing of the Commission.

For 1975-76, the Commission decided to focus its activities in three areas:

1. institutional education;
2. community relations; and
3. affirmative action programs.

Since the Commission believes that a significant reduction in discriminatory practices could be obtained by teaching children to treat each other with dignity and respect, a questionnaire was designed to discover the attitudes of teachers towards human rights, and to determine the concerns teachers have about this field. With such a data base, it is hoped that courses can be designed to overcome major problems which are identified by the teachers themselves. This data base should be obtained during 1976-77.

A seminar series, "Dignity and Human Rights in Alberta", directed towards adults, was co-sponsored with the Continuing Education Division of the Calgary Board of

Education. Since 1975 was designated International Women's Year, many forums were held to discuss the status women should have in our society. Members and staff of the Commission participated in forums which revealed many of the discriminatory practices that are imposed on women. This information will be valuable in designing affirmative action programs which will reduce the amount of discrimination now being practiced against women.

Although human rights legislation can bring us part of the way in a fight to combat racism, sexism and other forms of unacceptable discrimination, it is clear that only the people of Alberta can bring us to the end of the road. Among other things being done, an attempt is being made to develop citizen human rights councils in two communities, Lethbridge and Ft. McMurray, in order to involve communities with the work of the Commission. The Commission has become aware of the confusion that exists about the Individual's Rights Protection Act, what it says and what it means. By involving the community with the work of the Commission, it is hoped to dispel some of the confusion, and to encourage people to exercise the rights that have been given to them by that Act.

Some of the specific activities of the Education Wing are listed below.

1. A radio series was produced and broadcast over QCFM.
2. A 60 second television advertisement was carried by most of the major stations of Alberta.
3. The staff of the Commission was involved in the production of "We the People", a radio series produced by ACCESS.
4. Workshops were provided for:
 - (a) Native Outreach;
 - (b) hospital administrators;
 - (c) credit and mortgage personnel;
 - (d) placement agencies;
 - (e) the Cultural Heritage Council's Human Rights Committee;
 - (f) the Alberta Weekly Newspaper Association; and
 - (g) numerous women's organizations.

OTHER ACTIVITIES

The Commission is not, of course, alone in its fight against unacceptable and unnecessary discrimination. Other groups with the same purpose have been formed in every province in Canada, and, indeed, in almost every country in the world. It is the policy of the Commission to communicate and cooperate with as many of these groups as possible. Such a policy carries with it a commitment to allow members of the Commission and its staff to travel, and to participate in seminars, workshops and conferences dealing with topics related to human rights. One or more members of the Commission or its staff have participated in the following workshops or conferences.

1. Staff Development Workshop - Edmonton, Alberta.
2. Secretary of State Conference on "Women and Human Rights" - Ottawa, Ontario.
3. Canadian Association of Statutory Human Rights Agencies Training Conference - Montebello, Quebec.
4. Education Workshops in Junior and Senior High Schools - Okotoks, Alberta.

5. Learned Societies Conference on "Economics of Sex Roles" - Edmonton, Alberta.
6. Status of Women Workshop - Edmonton, Alberta.
7. Canadian Association of Statutory Human Rights Agencies Conference - Fredericton, New Brunswick.
8. University and College Registrars Conference - Victoria, British Columbia.
9. International Institute of Human Rights Sixth Study Session - Strasbourg, France.
10. Conference of Joint Advisory Council on Status of Women - Saskatoon, Saskatchewan.
11. "Action '75 Plus" Conference of International Women's Year - Ottawa, Ontario.
12. "The Female Volunteer" Workshop - Edmonton, Alberta.
13. The American Bar Association and National Civil Service League Conference - San Francisco, California.

14. Canadian Insurance Association Conference -
Toronto, Ontario.
15. Conference of representatives from Provincial
and Federal Labour Departments - Toronto,
Ontario.
16. Alberta Teachers Association Workshop -
Edmonton, Alberta.
17. Edmonton Personnel Association Workshop -
Edmonton, Alberta.
18. Status of Women Workshop - Lethbridge, Alberta.
19. Conference on Canadian Studies - Edmonton,
Alberta.
20. Conference of Joint Advisory Councils on
Status of Women - Quebec City, Quebec.
21. Career Development Workshop - Red Deer, Alberta.
22. Status of Women Workshop - Calgary, Alberta.
23. Status of Women Workshop - Grande Prairie,
Alberta.
24. Chamber of Commerce Workshop - Edmonton, Alberta.

25. Women and Social Policy Conference - Calgary, Alberta.
26. AID Information Fair - Edmonton, Alberta.
27. Status of Women Workshop - Edmonton, Alberta.
28. Status of Women Workshop - Lethbridge, Alberta.

CONCLUSION

In the ten years that Alberta has had human rights legislation, many people in Alberta have accepted the goal of reducing or eliminating certain forms of discriminatory practices from our society. The leadership of our present Government in giving human rights legislation a status that is higher than the corresponding status given to every other law of Alberta is just beginning to be copied by other governments. At least three other jurisdictions plan to give this form of legislation the same status it enjoys in Alberta.

It is probably trite to say that times change, and those changing times bring changing values and changing needs. Trite or not, the Commission believes that human rights

legislation should change to meet those changing needs. We should carefully study the experiences of the past ten years in order to obtain the clues that will point the direction in which we now should go. The Commission is completing such a study and will make recommendations to the Government sometime during 1976.

TABLE 1

COMPLAINTS RELATED TO:

COMPLAINTS IN AREA OF:	RACE - COLOUR					Religion	SEX		Age	Ancestry	Place of Origin	Marital Status	Other	SUB- TOTALS	TOTALS
	Black	Native	East Indian or Pakistani	Oriental	White		Female	Male							
DISCRIMINATORY SIGNS (2)	2						4	6					2	12	14
PUBLIC ACCOM. SERVICES (3)	6	14	4	1		1	14	6	3	2	1	11	80	51	162
TENANCY (4)	16	19	10	3	1		1	2	11	1		12	43	52	122
EQUAL PAY (5)							25							25	25
EMPLOYMENT (5)	7	2	15	2	2	5	77	10	9	7	7	5	59	141	223
ADVERTISEMENTS APPLICATIONS (7)		5				1	3	10	1		1		4	14	28
UNIONS, ETC. (9)							3	3	1	2	1	3	5	10	16
RETALIATION (10)	1		1				4							6	6
OTHER								4		1			9	25	25
FORMAL SUB-TOTALS	32	35	30	6	3	6	130	34	11	6	10	8	202	311	621
INFORMAL SUB-TOTALS	4	19	1	1		1	26	7	22	1	3	23		310	621
TOTALS FORMAL	36	54	31	7	3	7	156	41	33	7	13	31			621
TOTALS INFORMAL															621

FORMAL COMPLAINTS

INFORMAL COMPLAINTS

TOTAL PROVINCE

